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# OCSPP Daily News Round-Up

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**Former EPA Officials See Challenge Rebuilding Agency's Science Capacity**
Stuart Parker, Inside EPA
https://insideepa.com/daily-news/former-epa-officials-see-challenge-rebuilding-agency-s-science-capacity

EPA faces a steep but feasible challenge with rebuilding its scientific capacity after its erosion during the Trump administration, according to former agency officials who say the Biden EPA should not only aim to restore that capacity but seek to entrench scientific "norms" so that a future administration cannot easily undo them.

During a Feb. 24 Indiana University webinar on EPA's 50th year, which started Dec. 2, former EPA staffers said the Trump administration frequently downplayed the views of its own scientific experts.

Bernie Goldstein, professor emeritus and dean emeritus at University of Pittsburgh Graduate School of Public Health and assistant administrator in the Reagan EPA's Office of Research & Development, said EPA must rebuild its scientific capacity and reestablish relationships between scientific staff and agency policymakers.

Goldstein, also a member of the National Academy of Medicine, called for a "very strong external advisory process," in order to mediate tensions between scientists and political appointees.

Also, Goldstein said EPA can no longer rely on traditional norms of scientific conduct and advice, when these can so quickly be scrapped by a future administration. The federal government needs some "legal guardrails" to ensure scientists can do their work and give advice independently without political interference, he said.

Goldstein cited as an example of a situation to be avoided the constitution of the Clean Air Scientific Advisory Committee (CASAC) under former President Donald Trump, where the committee chair, Tony Cox, is now an industry consultant who is highly skeptical of much epidemiological science on the risks of air pollution. Changes under the Trump administration shifted EPA away from a deliberative process but highlighted the need for such an approach, Goldstein said.

CASAC advises EPA on how to set national ambient air quality standards (NAAQS), and the panel will again be key in any reconsideration of the Trump EPA's decisions to retain Obama-era NAAQS for ozone and particulate matter, both of which the Biden team has prioritized for review and possible reversal.

Terry Yosie, former director of EPA's Science Advisory Board (SAB) and former president and CEO of the non-profit World Environment Center, said that rebuilding EPA's scientific capacity "is an enormous challenge," but is feasible if the agency can obtain sufficient funding from Congress.

Yosie identified a series of challenges that apply not only to EPA scientists but to the scientific community at large. All scientists should "focus on the fundamentals," such as independent peer review, he said.

Scientists should expand their participation in discussions about what science is about, in order to combat "denialism," and should be "more networked and collaborative," Yosie said.

He added that the social dimensions of science, including environmental justice considerations championed by the Biden administration, are a "substantial new field of scientific endeavor," but that scientists need to be more focused, and more strategic in their thinking about these questions.

Richard Morgenstern, an economics expert with the think tank Resources for the Future and former director of EPA's Office of Policy Analysis, said the Biden EPA should also restore and expand cost-benefit analysis in environmental rulemaking, after the Trump administration downplayed the benefits of environmental regulations.

This will require more distributional analysis of the sometimes disparate effects of regulations on different groups in society, where "I think there is a lot more work to be done," Morgenstern said. He also predicted an effort to monetize benefits of EPA rules that the agency has been unable to quantify so far.

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**Electronics Makers Plead for Pause in EPA Toxic Chemical Ban**
Pat Rizzuto, Bloomberg Law

https://news.bloomberglaw.com/environment-and-energy/electronics-makers-plead-for-pause-in-epa-toxic-chemical-ban?access-ticket=eyJjdHh0IjoiTkVWRSIsImlkIjoiMDAwMDAxNzctZTkzMC1kOTQzLWE3ZmYtZWIzYTdlYzcwMDAxIiwic2luIjoiTkRDSEM3ak0rVjNWZ09aOXN0VW01OUdmazBnPSIsInRpbWUiOiIxNjE0NjEwMzg1IiwidXVpZCI6IitFSkpkdXdsdnAyRDd1MUsxYTVlOUE9PWZ5Y0VZbnlzZEtyeFFNeFhFWGd3N0E9PSIsInYiOiIxIn0%3D

Industry attorneys will meet with EPA officials Monday to plead for a regulatory reprieve so companies can ship parts and make products while seeking alternatives for a chemical largely banned as of March 8.

Thousands of companies—especially those that make and import electronics, appliances, and parts needed to make such merchandise—have realized in recent weeks that a recent Environmental Protection Agency regulation would ban them from distributing products with a particular flame retardant, said Martha E. Marrapese, a partner in Wiley Rein LLP's Washington office.

The rule, issued in January, also bans production of plastic insulation for wires and cables if they contain the flame retardant, with limited exemptions for auto, airplane, and other industries.

'More Time'
Companies and trade associations have urged the EPA for more time since the rule was issued in the last days of the Trump administration, Marrapese said. They're meeting with top agency officials, now under the Biden administration, at 1 p.m. she said.

"They don't want to litigate. What they want is more time" to comply, she said.

But it's a "heavy lift" to ask a new administration for enforcement discretion when it doesn't yet have a confirmed administrator or assistant administrator for enforcement and compliance assurance in place, Marrapese noted.

"I don't think a Biden administration thought one of the first things it would do is give companies a break on PBTs," she said.

PBTs are chemicals with three characteristics that make them particularly hazardous: they persist in the environment, build up in the food chain, and are toxic.

The 2016 Toxic Substances Control Act amendments fast-tracked rules to control five such chemicals, and the EPA issued five rules in January banning most uses of those five PBTs.

Can't Offload Goods
Regulated industries are having the most problems with the rule for a flame retardant called phenol, isopropylated phosphate (3:1), or PIP (3:1), said Michael Kirschner, president of Design Chain Associates, LLC, a consulting firm.

The chemical is found in electrical parts as an ingredient in polyvinyl chloride plastic insulation for wires and cables, he said.

Clients are asking "what do you do when the ship arrives at the dock" containing parts or finished products ordered months ago," he said.

"You can't unload them off the boat or the plane. So right now we don't know," Kirschner said.

Electronics are built into so many products, including toys and furniture with wireless chargers, that it's possible some companies don't yet know the EPA's regulations could apply to them, he said.

Companies can't "turn ships around in the middle of the ocean," Marrapese said.

The EPA didn't immediately confirm the meeting nor offer insight into options it may be [...]
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**Trump's EPA Pursued Few 'Forever Chemicals' Controls: GAO (1)**
Pat Rizzuto, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/trumps-epa-pursued-few-forever-chemicals-controls-gao-says?usertype=External&bwid=00000177-ee34-dd5c-a7ff-ff351da00001&qid=7066773&cti=FGOV&uc=1320000080&et=NEWSLETTER&emc=neve_nl%3A22&source=newsletter&item=read-button®ion=digest&access-ticket=eyJjdHh0IjoiTkVWRSIsImlkIjoiMDAwMDAxNzctZWUzNC1kZDVjLWE3ZmYtZmYzNTFkYTAwMDAxIiwic2lnIjoiNmIZeDZqOTZlZUFaYWNlVDdKaTZqdFI3ZDZjPSIsInRpbWUiOiIxNjE0NjMzMTYxIiwidXVpZCI6InJ3M2tGYzZVdEVGdk0wMFNyRXZOSGc9PTV1RkJLUWd0eXVlRU9oL0FidjdtakE9PSIsInYiOiIxIn0%3D

President Donald Trump's Environmental Protection Agency took just three steps to control "forever chemicals "—and Congress had to order two of those, a federal watchdog said Monday.

The limited progress means Congress must keep pressing the EPA to better protect people from per- and polyfluoroalkyl substances, or PFAS, said Sens. Gary Peters (D-Mich.), and Tom Carper (D-Del.).

The senators' comments came in a statement accompanying the Government Accountability Office report. Some PFAS are linked to weakened immune systems, higher cholesterol, and cancer. Peters chairs the Homeland Security and Governmental Affairs Committee, and Carper chairs the Environment and Public Works Committee.

The 2020 National Defense Authorization Act required two of the three actions EPA took, the report said. Those were regulating imports of certain products coated with PFAS and requiring industries to report their environmental releases of some PFAS.

Third Rule Unissued
The agency has yet to issue a third rule the law also mandated: requiring water utilities to monitor drinking water for PFAS. But the EPA announced last month that it will develop a regulation requiring monitoring for lithium and 29 PFAS.

"From establishing a national drinking water standard to securing the resources needed to clean up affected communities—I will continue working with the Biden administration to ensure we address PFAS contamination in Michigan and across the nation," Peters' statement said.

The EPA's response—included in the report and written during the Trump administration—said GAO mischaracterized the agency's extensive work on PFAS.

The EPA has taken actions such as offering affected communities technical support; cleaning up PFAS; enforcing environmental laws in 15 cases where alleged contamination or other violations occurred; and research, former EPA Administrator Andrew Wheeler said in the response.

In an emailed statement to Bloomberg Law on Monday, the agency said it agreed all Americans need healthy communities and access to safe drinking water. It plans to use the public's insights, scientific information, and "multiple environmental authorities to address the impacts of PFAS," said the agency, now part of President Joe Biden's administration.
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**Audit on PFAS efforts draws calls for EPA to 'step up' work**
E.A. Crunden, E&E News
https://www.eenews.net/stories/1063726263

The government's top audit institution says EPA has completed half of its proposed regulatory measures targeting "forever chemicals " — findings that have already drawn attention from lawmakers and environmental groups.

In a report released today, the Government Accountability Office found EPA has completed three out of six selected regulatory actions under the PFAS Action Plan targeting per- and polyfluoroalkyl substances, which have contaminated drinking water supplies and are linked to a range of health concerns. The other three regulatory efforts are ongoing, with

EPA targeting the end of the year for at least one rule.

GAO conducted the audit from December 2019 to January 2021. Completed regulatory actions include proposing a federal drinking water standard for two PFAS — PFOA and PFOS — a move undertaken by the Trump administration and continuing under President Biden (E&E News PM, Feb. 22).

Other completed measures include signing a rule for PFAS and incorporating 172 of the chemicals into the Code of Federal Regulations for the Toxics Release Inventory. That will allow for the public to be informed about industrial releases of PFAS, something mandated under the fiscal 2020 National Defense Authorization Act.

Three actions are also ongoing. EPA is still exploring regulating PFAS under Superfund law, in addition to eyeing national effluent limitations and monitoring PFAS in drinking water nationwide. The agency intends to finalize that last rule by December 2021.

GAO noted EPA "neither agreed nor disagreed " with its findings, but the agency maintained its research and nonregulatory actions are still intertwined with regulatory moves. Under the Trump administration's PFAS Action Plan, EPA launched a number of efforts focused on the chemicals.

"EPA also indicated that the agency has taken steps on many of its non-regulatory-related PFAS actions, such as compiling and assessing human and ecological toxicity information on PFAS to support decision-making, " GAO stated, while countering the auditor "chose to focus specifically on the six regulatory-related actions because they may lead to the issuance of federal regulations. "

Reaction
The report was requested by Sens. Gary Peters (D-Mich.), Tom Carper (D-Del.) and Ron Johnson (R-Wis.). Carper praised its release but emphasized the government "has a lot of work to do, " given the findings.

In a statement, Peters expressed similar sentiments.

"This report clearly shows that while progress is being made, the federal government must step up their efforts to ensure our drinking water is safe and protect communities from these hazardous chemicals, " Peters said, adding he intends to work with the Biden administration on advancing PFAS measures.

Some advocates argued the report is more notable for what it doesn't include.

Scott Faber, senior vice president for government affairs for the Environmental Working Group, highlighted its limited scope. The presence of PFAS in firefighting gear, food packaging, cosmetics and multiple other products isn't referenced, a move Faber linked to EPA's inaction on the wider realm of issues around the chemicals.

"What's remarkable about this report is how little progress has been made, and also what's missing, " said Faber. "So much of what EPA must do and even has contemplated doing under the PFAS Action Plan was not covered by this report. "

He also said the Department of Defense and Food and Drug Administration lag behind EPA in their PFAS efforts, indicating a broader issue across government. DOD in particular is facing mounting costs stemming from PFAS-related cleanup work.

Another issue not addressed in the report is PFAS disposal and concerns around the chemicals in landfills and incinerators. EPA is under increasing pressure from both industry and environmental groups to improve its PFAS disposal guidance. In public comments submitted last week, 30 advocacy groups called on the agency to improve its guidance and strengthen PFAS [...]
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**Environmentalists Say Trump 'Interference' Requires Reworking TCE Study**
David LaRoss, Inside EPA

https://insideepa.com/daily-news/environmentalists-say-trump-interference-requires-reworking-tce-study

Environmentalists are urging EPA to redo portions of its controversial TSCA evaluation of the solvent trichloroethylene (TCE), and craft risk management rules based on more conservative data, arguing that the Trump-era findings were tainted by "political interference" that President Joe Biden has already ordered the agency to remedy.

In a Feb. 26 letter to Acting EPA Administrator Jane Nishida, seven environmental groups led by Safer Chemicals Healthy Families say the agency's decision to base its Toxic Substances Control Act (TSCA) TCE evaluation on immune system harms rather than fetal heart damage -- a long-standing criticism of the document -- was the product of top political officials overruling career staff.

"White House staff directed EPA career scientists to alter the draft evaluation so that the most sensitive endpoint -- fetal heart malformations -- was no longer used to determine TCE's risks to health. This reversed the longstanding judgement of EPA scientists that these effects provide a sound and reliable basis for public health protection. The actions of the Trump White House to alter the TCE evaluation were in clear violation of the scientific integrity principles announced by President Biden and previously adopted by EPA itself," the letter says.

They also cite EPA's withdrawal of the Trump-era risk assessment for perfluorobutanesulfonic acid (PFBS) as precedent for such an action, saying the PFBS decision was made "under identical circumstances."

While environmentalists have long raised concerns that EPA's final evaluation dropped the agency's historical focus on cardiac defects, EPA's science advisors were unable to reach consensus on the issue.

Several members of EPA's Science Advisory Committee on Chemicals (SACC) acknowledged industry criticisms that the findings of the so-called Johnson study, on which the fetal defects endpoint was based, are too uncertain to form the basis for regulatory decisions.

"The Committee agreed that the heart malformations could be used for hazard identification, although the Committee remained divided about the use of these data for risk characterization," SACC said in its report on the draft evaluation.

In their letter to EPA, the environmentalists note that documents from White House-led interagency review of the TCE evaluation show that EPA's original draft was based on fetal health impacts, but that the document was rewritten by administration officials to "cast doubt" on the research surrounding those effects as press reports at the time indicated.

"As the Center for Investigative Reporting found, this reversal of EPA's longstanding position occurred at the express direction of the White House Executive Office of the President, which instructed EPA career scientists to rewrite the draft to cast doubt on the evidence of cardiac defects and to shift the basis of its risk determinations to less sensitive endpoints," the groups say.

Risk Findings

But the letter stops short of demanding that EPA pull back the entire TCE evaluation. Instead, it asks Nishida to reconsider only the findings that identified certain uses of the solvent as not posing unreasonable risks -- and therefore not requiring regulation.

For uses the agency has already committed to regulating, they say EPA should continue the current process but craft rules aimed at limiting fetal harms rather than immune-system risks, which would result in more stringent limits.

"For those conditions of use in the risk evaluation where EPA found unreasonable risks based on the less protective endpoints, EPA should proceed with the risk management rules, but expressly take into account the risks posed by fetal heart malformations when crafting the risk management rules," the letter says.

It argues only rules based on the more-protective fetal health considerations will satisfy the TSCA mandate to limit all unreasonable risks.

"While immune-related effects are a serious health concern, they occur at [...]

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**Dunn Warns Gathering TSCA Deadlines Pose Heavy Burden For Biden EPA**
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/dunn-warns-gathering-tsca-deadlines-pose-heavy-burden-biden-epa

EPA faces an ever-growing list of TSCA duties that will challenge toxics staff and their resources even without the Biden administration's ongoing reviews and possible revisions of Trump-era actions, former Trump toxics chief Alex Dunn and other environmental attorneys said at a recent conference.

During a Feb. 25 panel discussion on EPA's chemicals policy, Dunn said the difficulty her office faced in completing the 10 evaluations of existing chemicals required by the Toxic Substances Control Act (TSCA) are a warning sign of how challenging it will be for the new administration to complete the next round of 20 such assessments at the same time that it must craft rules to address risks it identified in the first 10.

"I always like to think [of TSCA as a] conveyer belt, loaded, and it is moving," Dunn said during the American Legal Institute-Continuing Legal Education's annual joint conference with the Environmental Law Institute on environmental law and regulation.

"To move from 10 to 20 [chemical evaluations] will require some speeding up of that belt, a lot of resources, staffing and some lessons learned to determine if here are efficiencies that might be used," she said.

Dunn, now a partner with the firm Baker Botts, told viewers that while the experience EPA staff developed in the course of the 10 already-completed evaluations "gives an idea of what's needed to do as practitioners to pull off the next 20," the next steps could still be daunting.

That is partly because under her watch as the Trump EPA's toxics chief, the agency found unreasonable risks requiring regulation "for more than 250 uses of these 10 chemicals. That is a lot of regulation on the horizon because each one of the unreasonable risk findings must now move into risk management rulemaking. "

And that process is in addition to the 20 new evaluations of existing chemicals that the agency began last fall, under TSCA's mandate for EPA to have at least 20 existing chemicals under evaluation at all times. Officials finalized scopes for the next round of evaluations last fall, and the law requires EPA to complete the studies themselves within three years.

Moreover, Dunn noted that environmentalists and labor groups' ongoing court challenges to several of the first 10 evaluations and framework implementing rules could produce court decisions that require EPA to expand or change the ongoing risk management work.

With the revised TSCA still relatively new, with "a very lean body of law around it . . . The legal decisions in some of the first 10 evaluations and framework rules are going to continue to inform this statute," Dunn said.

So far there has been just one first major court ruling interpreting the revised law: the U.S. Court of Appeals for the 9th Circuit's 2019 ruling that held EPA unlawfully excluded legacy uses of chemicals from its "framework" regulation for existing-chemical evaluations.

Dunn said that decision will significantly expand EPA's work on asbestos. Following the decision, Dunn's office pledged to complete a second, "supplemental" review of asbestos' legacy risks.

"One of those decisions already had a big impact on asbestos. . . . Legacy use of asbestos is quite extensive. We're talking about floor tiles, ceiling tiles, consumer products, wiring. . . "

Biden Agenda

But in addition to those factors, the Biden administration is considering voluntary moves to reopen at least some of those chemical evaluations and rules, which Lynn Bergeson, managing partner at Bergeson & Campbell and another speaker on

the Feb. 25 panel, said will further tax EPA's resources.

"With respect to the pace of risk evaluation, risk mitigation measures under TSCA, there will be relentless pressure supporting each and every decision with science," Bergeson said, adding that she also expects the new administration will make "fundamental changes to the risk assessment process. "

"'Following the science,' you'll hear that over and over again" from the new [...]
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**Environmentalists Fear TSCA Preemption Of States' Broad PFAS Limits**
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/environmentalists-fear-tsca-preemption-states-broad-pfas-limits?s=na

Following new steps by several states to regulate per- and polyfluoroalkyl substances (PFAS) as a class, environmentalists are now warning against new EPA rules on the same subject that could open the "Pandora's box" of TSCA preemption, and favoring federal legislation a more effective route to national PFAS limits.

"We don't want to undo everything that these states have been doing . . . It's a huge, huge, Pandora's box," Kyla Bennett, New England director of the whistleblower group Public Employees for Environmental Responsibility, tells Inside TSCA.

Under section 18 of the Toxic Substances Control Act (TSCA), when EPA begins the process of regulating a chemical or group of chemicals it blocks all state policies governing the same substances and uses, subject to some narrow exemptions or a federal waiver.

And while that provision of the law has been applied only rarely since its enactment in 2016, Bennett says she finds the prospect of its use on PFAS "frightening."

Environmentalists have long urged EPA to regulate PFAS as a unified class, holding up the European Union's (EU) program as a model, and arguing that since the group contains thousands of individual chemicals it would be practically impossible to address them all through separate evaluations and rulemaking processes.

But while the federal government has yet to embrace that approach states are signing on more quickly. For instance, the nine-state Toxics in Packaging Clearinghouse (TPCH) released a new model bill on Feb. 16 that would ban all PFAS as well as phthalates from product packaging, rejecting industry comments that urged it to abandon the class-based method.

And California is not only a TPCH member but has taken independent action to categorize PFAS as a class under its Safer Consumer Products (SCP) green chemistry program. Last month the state Department of Toxic Substances Control published a journal article laying out its justification for the move.

Against that backdrop, Bennett says, she believes environmentalists' best hope for class-based federal policy for PFAS would come via Congress rather than EPA.

But while a bipartisan group of lawmakers is pushing new PFAS bills, Bennett said she "doesn't trust Congress" to move away from the traditionally risk-based approach to regulation that the United States takes, as opposed to the more conservative hazard-based approach taken by the EU.

"I know the PFAS issue is theoretically a bipartisan issue, but the way that EPA and the United States deals with chemicals is backwards. In the EU, all these chemicals are guilty until proven innocent, and here in the US, they're all innocent until proven guilty," Bennett said.

Betsy Southerland, a former top EPA water and waste official now with the Environmental Protection Network of agency alumni, and another backer of class-based PFAS rules modeled on the EU's, agrees that new legislation would be the "fastest" path for TSCA policy and described EPA rulemaking as the slowest and potentially most difficult approach.

That challenge comes from not only TSCA's preemption provisions but also the relatively burdensome regulatory

process, under which a chemical must be selected for prioritization and go through an extensive evaluation before any risk management rule.

"The next fastest way would be for states to individually take action, which is what California and a number of other states are starting to do," Southerland says. "And the third way would be for EPA to take action through TSCA, and that is certainly a slower process than either federal or state legislation, because of the 3-step process: prioritizing the PFAS chemicals, doing a risk evaluation, and then doing a risk management rule."

'Completely Open'

Southerland says that with EPA so far taking only limited action against PFAS under TSCA, "right now it is completely open for state action because EPA has neither prioritized nor begun a risk evaluation on PFAS. But should they begin that [...]
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**There's a clear fix to helping Black communities fight pollution**
Rachel Ramirez, Vox
https://www.vox.com/22299782/black-americans-environmental-justice-pollution

Sharon Lavigne has lived in St. James Parish, Louisiana, a predominantly Black community, all her life. She remembers when the air wasn't covered with thick gray smog, when the water was still safe to drink, when the gardens were productive and fertile.

But now, she says, "we are sick and we are dying."

Lavigne has watched her neighbors die from cancer and suffer from respiratory illnesses. About five years ago, she too was diagnosed with pollution-linked autoimmune hepatitis, with tests showing she had aluminum inside her body. The reason for the community's decline in health, environmentalists say, is a burgeoning fossil fuel industry right in their backyards.

Over the past three decades, roughly 150 chemical plants and refineries have been building facilities up and down the 85-mile stretch of the Mississippi River that straddles New Orleans and Baton Rouge, which includes St. James Parish. According to data from the Environmental Protection Agency (EPA), seven out of 10 US census tracts with the country's highest cancer risk levels from air pollution are located in this corridor, known as "Cancer Alley."

So when Lavigne heard that the Taiwanese plastics manufacturer Formosa was going to build a $9.4 billion petrochemical complex just two miles from her home, she retired from her teaching job in 2018 and started the faith-based environmental justice group RISE St. James to fight the new development project.

Formosa's vast 2,400-acre site, currently marked off with fences, sits on two former 19th-century sugarcane plantations and a burial ground for the enslaved, which the company failed to disclose until RISE St. James filed a public records request. Still, the Louisiana Department of Environmental Quality approved permits last year for Formosa to build the complex of 14 plastics plants, despite the company's own models revealing that it could more than double the amount of toxic pollutants in the area and emit more of the carcinogenic chemical ethylene oxide than almost any other facility in the country.

The predominantly Black communities of St. James Parish and the rest of Louisiana's Cancer Alley are not alone in this problem. According to the National Black Environmental Justice Network, Black Americans in 19 states are 79 percent more likely to live with industrial pollution than white people. Researchers also found that Black people breathe 56 percent more pollution than they cause, whereas white people breathe 17 percent less pollution than they generate.

Lavigne said industries "come to Black communities because they think no one's going to say anything. They think no one is going to fight."

Environmental groups like RISE St. James usually have one ally in their corner when fighting industrial polluters: the

National Environmental Policy Act (NEPA), a bedrock law that requires federal agencies to consider the environmental impacts of proposed infrastructure such as the construction of major highways, prison complexes, airports, pipelines, landfills, and refineries. Passed by Congress in 1969, NEPA, followed by the Clean Air and Water Acts, was part of a broader plan to protect the environment from any point source of pollution or contamination.

The law is not perfect, though. Since the link between racism and the environment didn't click for many in the late 1960s and '70s, when these environmental laws were created, NEPA's lack of civil rights protections resulted in the further oppression and exclusion of Black communities across the country. Polluting industries would set up shop in marginalized neighborhoods with no regard to the systemic injustice baked into the fabric of the community, and there was little recourse to stop these polluters from doing so.

But with the rise of the environmental justice movement in the late 1970s, Black environmentalists and policy experts began floating the idea of stronger environmental policies that draw from the 1964 Civil Rights Act. The idea was to protect [...]
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**Paraquat and Parkinson's Disease: Why Is the EPA Allowing Dangerous Chemical To Be Used?**
Searcy Denney Scarola Barnhart & Shipley, JD Supra
https://www.jdsupra.com/legalnews/paraquat-and-parkinson-s-disease-why-is-2427267/?

Paraquat is a highly dangerous product still manufactured and sold in the United States. Manufacturers have for some time known the direct connection between paraquat and Parkinson's Disease, but continue to sell it.

Paraquat, which is used extensively by farmers and ranchers across the country, basically destroys everything it is sprayed on, including but not limited to weeds. If it is green and growing and the chemical is applied to it, death is imminent.

"Paraquat is used to destroy all plant and grass growth on farms, typically between planting of desired crops," "Once harvest is complete, farmers apply paraquat to what remains, essentially obliterating everything above ground. Think of napalm. This practice eliminates time consuming and expensive tilling."

The problem is, unwanted vegetation is not the only thing paraquat is obliterating. The human death toll is nearing the 1,000 mark.

"Paraquat, one of the most acutely lethal pesticides still in use today, is implicated in around 100 poisoning incidents in the USA each year, resulting in at least one death per year since 2012," according to an Environmental Health article titled "The USA lags behind other agricultural nations in banning harmful pesticides." "In addition to numerous incidents of acute poisonings, multiple states have determined that current US EPA regulations are not protective enough for some of these pesticides and have opted to place greater restrictions on use than the US EPA requires."

Environmental Health, a journal written for practitioners and scientists involved in the health and well-being of the planet and its population, further reports that paraquat and another chemical called phorate "are the only two pesticides still used in the USA that are banned or being phased out in the EU, China and Brazil."

Despite the foreign bans, use of paraquat has skyrocketed in the United States. Today, its use is higher than it has been in 20-plus years, rising an approximate 200 percent since 2009. Now it has been linked to Parkinson's disease (PD).

"A growing body of evidence suggests pesticides may play a role in Parkinson's disease (PD) in humans," according to an Environmental Health Perspectives article titled "Rotenone and Paraquat Linked to Parkinson's Disease: Human Exposure Study Supports Years of Animal Studies." "Self-reported PD has been associated with lifetime use of pesticides, and animal studies have suggested that the pesticides paraquat and rotenone can cause oxidative stress and mitochondrial dysfunction, respectively – posited mechanisms of action in PD – as well as symptoms in rodents similar to human PD. Now, researchers have linked human exposure to paraquat and rotenone with PD…the first analysis of pesticides classified by presumed mechanism of action rather than by intended use or chemical class."

Environmental Health Perspectives is produced monthly by the National Institute of Environmental Health Sciences to

research relationships between human health and environmental factors.

"The results may have far-reaching implications, considering the widespread use of these pesticides," the article continues. "Paraquat remains one of the most widely used herbicides worldwide, and rotenone was used ubiquitously before most uses were voluntarily stopped in the United States in 2007."

One of the rather grotesque reasons for paraquat's spike in sales is because many weeds have developed a resistance to another popular chemical – glyphosate, known more commonly as Roundup and the root of a similar slew of lawsuits involving non-Hodgkin's lymphoma. Sadly, what Roundup is to cancer, paraquat is to brain disorders. The Michael J. Fox Foundation – named after the actor who was diagnosed with Parkinson's disease in 1991 at age 29 – has been advocating arduously for legal action.

"Leading research has shown that exposure to paraquat significantly increases the risk of a person developing PD," the foundation wrote in an Aug. 4, 2020 [...]
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**Dicamba Rules Update - 2**
Emily Unglesbee, Progressive Farmer
https://www.dtnpf.com/agriculture/web/ag/crops/article/2021/03/01/dicamba-cutoff-dates-will-vary-state

Once again, dicamba applicators will face varying state cutoff dates for applications of XtendiMax, Engenia and Tavium in 2021, despite EPA's attempt to squash this practice.

When EPA released its new, five-year labels for these products last fall, the agency set nationwide cutoff dates for their use: June 30 for soybeans and July 30 for cotton. But at least three states have taken steps to push those dates earlier into June and May. Other states are working to expand those dates for their growers, to accommodate late-planted soybeans and cotton fields.

To add to the complexity, the XtendiMax label also bans spraying after the R1 growth stage in soybeans, and the Tavium label bans spraying after the V4 growth stage in soybeans and six-leaf growth stage in cotton.

STATES WITH EARLIER CUTOFFS

In addition to setting nationwide dicamba spray dates, EPA took another step to limit state-by-state dicamba rules proliferating this year. When it released the 2020 labels, the agency informed states they could no longer issue annual Section 24(c) labels with stricter cutoff dates, a common practice in past years. (See more here: )

However, states still have the authority to further restrict federal pesticides via their own state rulemaking or statutes, and as of press time, three states have done just that:
INDIANA: The Office of Indiana State Chemist is using an existing state statute to designate dicamba as a "highly volatile " pesticide. That gives state regulators the ability to issue statewide annual permits for applicators that will ban dicamba applications after June 20 through Sept. 1. The permits will apply to the new over-the-top dicamba herbicides, as well as all other agricultural use herbicides containing 6.5% dicamba or higher.

-- ARKANSAS: The Arkansas State Plant Board voted to renew its May 25 cutoff date for in-crop dicamba use for the 2021 season. There is one exception: Growers who farm within the Mississippi River levee may follow the federal cutoffs via a permit.

-- ILLINOIS: The Illinois Department of Agriculture filed emergency administrative rules for dicamba applications on soybeans in 2021, which ban applications after June 20 and when the temperature exceeds 85 degrees Fahrenheit.

Farmers in these states should pick their soybean herbicide-tolerant platform accordingly, said Bill Johnson, Purdue University weed scientist. "When you look at the rationale behind the (Indiana) state chemist implementing this rule, there is no wiggle room for double-crop soybean growers, " he cautioned Indiana growers at the annual Purdue Crop Management Conference this winter. "Double-crop soybean growers should use a technology that allows you to spray

after June 20. "

Don't plan on any last-minute cutoff extensions for poor weather either, Johnson added.

"Our state chemist office will hold firm on that date and they've made that very clear to registrants, " he told DTN.

STATES SEEKING EXPANDED CUTOFFS

A growing number of states are in the process of extending the federal dicamba cutoff dates, via Section 24(c) labels, which still allow states to add new uses to federal pesticides.

Officials in these states want to accommodate late-planted soybean and cotton fields, which could require dicamba applications beyond June 30 and July 30 in those crops, state regulators told DTN.

So far, states seeking to expand the federal dates via 24(c) labels include Alabama, Mississippi, North Carolina, Oklahoma, and Texas. A slew of other Southern states, including Georgia, South Carolina, Tennessee and South Carolina, are also considering this route.

The process has not been easy, however. In an effort to guard against future lawsuits, the EPA is demanding extra data and evidence from state regulators to prove they need these expanded spray windows and can safely increase dicamba use beyond the federal label, North Carolina pesticide regulator Pat Jones told DTN.

States such as North Carolina are struggling to figure out [...]
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**Are Schools' Fancy New Air-Scrubbing Devices Really Effective—and Safe?**
Madison Pauly, Mother Jones
https://www.motherjones.com/coronavirus-updates/2021/03/covid-air-cleaning-filter-delphine-farmer/

For months, we've known that the coronavirus spreads via airborne droplets, invisible molecules or globules of liquid that fall or hang suspended in the air whenever we exhale, talk, or sneeze. As more schools and businesses prepare to safely reopen, they're looking for ways to purify indoor air—and the market has answered with a dizzying array of devices that go far beyond traditional HVAC (heating, ventilation, and air conditioning) systems and HEPA (high-efficiency particulate air) filters. Sellers of devices like bipolar ionizers, hydroxyl generators, and disinfectant foggers have claimed they can safely destroy the coronavirus or pathogens like it.

Across the country, schools are snapping up these purportedly air-cleaning products. The school district in Chilton County, Alabama, used funds from the CARES Act to buy their custodians agricultural backpack foggers that fill classrooms with chemicals. In Ocean City, New Jersey, schools put hydroxyl generators in nurses' offices. Four school districts in the Lehigh Valley, Pennsylvania, have collectively spent more than $1.3 million to install bipolar ionizers in their HVAC systems.

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But how many of these technologies are really snake oil, and are any them potentially dangerous? To find out, I spoke with Delphine Farmer, an atmospheric chemist at Colorado State University, and the coauthor of a forthcoming study on bipolar ionization. Lately, Farmer has been taking calls from school districts looking for advice on whether these new technologies can effectively keep students and teachers safe. "There's a definite feeling that if all these other organizations are buying into this technology, then it must be okay," Farmer says. "I'm like, "Nope, there's no guarantee."'

When we're thinking about cleaning indoor air, what options do we have?

Think about if you're cooking, and you're making soup. If you have too much salt in your soup, then you can add more water, or you can add another flavor that kind of counterbalances the salt. You have these different techniques, the exact same way we have indoors. You can dilute the air—that's where we pull in cleaner, outdoor air, opening windows and increasing ventilation. That's just like adding more water to your salty soup. Another approach is to think about removing the salt—like finding a way to remove those particles and just filtering it out. For that we use HEPA filters.

And then you get to the other ways of doing this. And that's where you start to get into what I would politely call "creative solutions" that take advantage of chemistry and developing new technology. But this is also where there's a lot of potential unintended consequences [...]
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**Cherry-Picked Science Leads To Irresponsible Conclusions**
Susan Goldhaber MPH, American Council on Science and Health
https://www.acsh.org/news/2021/02/26/cherry-picked-science-leads-irresponsible-conclusions-15367

On Feb. 20, a large headline from CNN crosses my screen: ''Chemicals in plastics damage babies' brains and must be banned immediately, expert group says". A shocking, scary headline based on cherry-picked data that misleads the public. What are these chemicals that must be banned immediately?

It is phthalates, a group of chemicals that are used to soften plastic. These chemicals are one of the most studied groups of chemicals in use today. Since they are very stable and bound tightly into vinyl's structure, they do not readily migrate out of the product.

Phthalates are present in consumer products, medical devices, including IV storage bags, wire, cable, and outdoor products, such as garden hoses. The FDA already has carried out risk assessments on the release of phthalates from medical devices and has provided guidance to industry on the acceptable levels of phthalates in these products. The EPA is currently carrying out multi-year risk assessments on several phthalates under the Toxic Substances Control Act (TSCA).

Scientific Conclusions

These chemicals have been extensively reviewed by governmental and scientific agencies worldwide, with the following conclusions:

No public health concern with the current uses of diisononyl phthalate (DINP) and diisodecyl phthalate (DIDP) in gloves, footwear, children's school materials, shower curtains, and other everyday uses. The presence of these phthalates in food or dust did not present a health concern. European Chemicals Agency (2013)
No public health concern with DINP or DIDP, and they do not constitute a danger in Canada to human life or health. Environment and Climate Change Canada (2017)
DIDP can be used in sensitive applications like toys and childcare products without any restrictions, as it poses no harm to children or pregnant women at current exposure levels. U.S. Consumer Product Safety Commission (2017)
DINP does not show adverse effects on sexual function, fertility, or fetus development. European Chemicals Agency (2018)
CNN's Conclusions

The CNN article is based on a paper reported in the American Journal of Public Health that should serve as a "wake-up call to understand that early-life exposure to this class of chemicals is affecting our children."

What is in this paper to lead to such a wake-up call?

This paper summarizes epidemiological evidence on adverse neurodevelopmental effects following prenatal exposure to phthalates. The study concludes that all phthalates (there are hundreds of individual chemical compounds in this group) should be banned from all products based on the available scientific evidence. They conclude that no phthalate compound should be allowed to be substituted for another phthalate compound.

However, this paper does not use systematic review methodology but, instead, "cherry-pick" those reports most favorable to its conclusions. It uses a variety of techniques, including:

Introducing results that agree with your conclusions from a few papers, using "For example…" to begin the sentence.
Note studies that disagree with those prior studies but dismiss them in a paragraph starting with, "It is important to note that the literature is not entirely consistent."
Ignore recent articles or systematic reviews that come to conclusions that contradict your own. More specifically, a recent systematic review by EPA researchers that concluded
"Overall, this detailed systematic review suggests that there is limited evidence that phthalates adversely affect the examined neurodevelopmental domains."

As a scientist, I believe that we need to redouble our efforts not to mislead the public. That is why comprehensive systematic reviews of environmental health issues rather than agenda-driven cherry-pick "reviews" are necessary. And it is also why balanced, scientifically literate reporting, not intended to garner attention through fear, is so important.
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**Op-Ed: Mexico being pressured to drop glyphosate ban by Bayer and U.S.**
Karen Graham, Digital Journal
http://www.digitaljournal.com/business/op-ed-mexico-being-pressured-to-drop-glyphosate-ban-by-bayer-and-usa/article/586227#ixzz6nst97lpP

Internal government emails reveal Monsanto owner Bayer AG and industry lobbyist CropLife America have been working closely with US officials to pressure Mexico into abandoning its intended ban on glyphosate, the key ingredient in Monsanto's Roundup.

Emails reviewed by The Guardian came from the Office of the US Trade Representative (USTR) and other federal agencies. They reveal discussions between Bayer, the owner of Monsanto, Croplife, a lobbying group funded by Bayer and officials in various agencies of the federal government have been ongoing for the past 18 months.

During this same time period, Bayer has been negotiating an $11 billion settlement of legal claims brought by people in the US who claim they developed non-Hodgkin lymphoma due to exposure to the company's glyphosate-based products.

While the pressure to get Mexico to do away with its ban on glyphosate does not appear to be working, the behind-the-scenes efforts of our federal agencies, in partnership with a big corporation proves just how much sway these companies have on what laws, regulations, or even treaties with other countries get the coveted nod of approval.

The pressure on Mexico is similar to actions Bayer and chemical industry lobbyists took to kill a glyphosate ban planned by Thailand in 2019. Thailand officials had also cited concerns for public health in seeking to ban the weedkiller but reversed course after US threats about trade disruption.

On December 31, 2020, Mexican president, Andrés Manuel López Obrador, published a "final decree" calling for the end of the use of glyphosate in the country by 2024. The decree also calls for a phase-out of the planting and consumption of genetically engineered corn, which farmers often spray with glyphosate, a practice that often leaves residues of the pesticide in finished food products.

The move is for the "purpose of contributing to food security and sovereignty" and "the health of Mexican men and women", according to the Mexican government.

What caused the uproar?

In the latter part of 2019 Mexico said it was refusing imports of glyphosate from China. In denying a permit for an import shipment, Mexican officials cited the "precautionary principle", which generally refers to a policy of erring on the side of caution in dealing with substances for which there is scientific concern or dispute over safety.
In an email from Stephanie Murphy, Bayer's government affairs executive, to Leslie Yang, USTR's director for international trade and environmental policy, a reference was made to Mexico's rejection of the glyphosate shipment. The email went on to say that Mexico was "alleging that 'glyphosate represents a high environmental risk, given the credible presumption that its use can cause serious environmental damage and irreversible health damage …"

Murphy also asked if she could "discuss the situation further" with USTR and see if there was "an opportunity for engagement given USMCA. " She was referring to the trade agreement between the US, Canada, and Mexico [...]
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**Vermont farmers are covering good ground for soil health**
Bob Foster, Vermont Digger
https://vtdigger.org/2021/02/26/bob-foster-vermont-farmers-are-covering-good-ground-for-soil-health/

This commentary is by Bob Foster, a dairy farmer at Foster Brothers Farm in Middlebury. The farm supplies milk for Cabot cheese products through the Agri-Mark cooperative. The farm also recycles cow manure to produce a line of compost products called Moo Doo, which are sold around the Northeast. Foster is a member of the board of directors for the Soil Health Institute.

When you drive past a farm field this winter, you might be curious about what's growing there. Yes, growing. At our dairy farm and farms across the state, we're growing plants on our fields even in the winter.

We keep the growing season going 365 days a year with cover crops, like winter rye. You'll see fields throughout Addison County, and across the state, green with cover crops still growing as long as the temperatures are around 30 degrees. When temperatures dip even colder or fields are covered in snow, winter rye will go dormant, then renew growth in late winter.

Vermont recorded nearly 30% of its available cropland planted to cover crops in 2017, according to the Soil Health Institute, and we're increasing that number every year. The U.S. average is only 5.6%.

Why does this matter? Farmers are covering what were once barren cornfields in the winter because we've seen the scientific benefits such as carbon sequestration, reduced erosion and nutrient runoff, and flood mitigation. We pair that with reducing tilling or no-tilling in the spring for even greater gains in each of these areas.

More people are now starting to understand these benefits too as documentaries like "Kiss the Ground" call attention to the fact that, without healthy soil, our society is in trouble.

Cover crops help us solve the issue of climate change because they are an amazing carbon sink. UVM Extension agronomists estimate that if all 80,000 acres of Vermont's annual cropland had a cover crop, the carbon sequestration would be equivalent to taking over 51,000 cars off the road.

Another reason we use cover crops is to help the soil hold more water. As extreme weather events like heavy rain and flooding become more common, we need our soil to absorb that water and stay in place.

On an acre-by-acre average basis, developed land can contribute up to four times more phosphorus pollution through runoff than farmland and seven times more than forested or natural areas (Lake Champlain Basin Program). According to Food Solutions New England, 85% of the farmland in New England is managed by dairy farmers and is keeping land from being developed.

At Foster Brothers Farm, we grow 900 acres of hay, 550 acres of corn, plus 300 acres of soybeans and small grains to feed

our cows. In the spring, our winter cover crop needs to stop growing so it won't compete with the corn we need to plant on the same field.

Farmers do this in several ways, depending on their goals and conditions. Some harvest the cover crop for feed for the cows, some flatten it down with machinery, some till it underground, and others will kill it with an herbicide like Round Up, also known as glyphosate. At Foster Brothers, we've experimented with doing all of these methods.

On our farm, the biggest environmental benefits come when the cover crop is not tilled and is left to decompose into the earth, building organic matter, increasing water infiltration, and protecting the surface of our soil. Either rolling it down or using herbicides means there will be no tillage on the field, which dramatically reduces our carbon footprint, and helps maintain healthier soil.

We have seen this with our own eyes, as we have watched our soil improve dramatically as we adopted this conservation cropping system of no-till and cover crops. Our soil [...]
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